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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/937,439 09/25/97 FUKUSHIMA

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EXAMINER

VO.C

ART UNIT

PAPER NUMBER

2671

DATE MAILED:

12/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

File Copy

Office Action Summary

Application No.
08/937,439

Applicant(s)

Fukushima et al

Examiner

Cliff N. Vo

Group Art Unit

2671



☒ Responsive to communication(s) filed on Oct 6, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☒ Claim(s) 1-10, 12-18, and 26 is/are allowed.

☒ Claim(s) 11 and 19-25 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____, is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper, No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. This Office Action is in response to the Amendment filed on 10/6/2000 which has been entered into the record of file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al (U.S. Patent No. 4,847,788) in view of Kojima et al (U.S. Patent No. 6,005,576).

As per independent claim 11, Shimada et al teach a drawing management and display device comprising a display means for displaying the drawings data (Fig.2A). It is noticed that Shimada fails to teach a means for displaying a three dimensional retrieval icon representing the amount of data. However, Kojima et al. teach another data processing system comprising a means for displaying a three dimensional retrieval icon representing the amount of data of the object represented by that icon (col.5, lines 34-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to configure Shimada's teachings as now claimed by associating the three dimensional retrieval icon as described by Kojima et al. into each corresponding sub-drawing in order to make the system

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more efficient since it would have visually indicated to the user the amount of each sub-drawing with respect to the other.

As per claims 19-25, the system of Shimada et al in view of Kojima et al further teach the claimed features as now claimed by teaching a data processing system including step of generating and displaying a three-dimensional retrieval icon.

Allowable Subject Matter

4. Claims 1-10, 12-18 and 26 are allowed over the cited prior art.

Response to Amendment

5. Applicant's arguments filed October 6, 2000 have been fully considered but they are not persuasive.

Applicant argues in his remark section that the cited reference, Kojima et al (U.S. Patent No. 6,005,576) is not qualified as prior art. The examiner respectfully disagrees with this argument since the effective date of the cited reference Kojima et al is September 9, 1990 which is before the effective date which is November 30, 1990 of the present re-issue application. Thus, the cited reference Kojima et al is qualified as prior art of record. Furthermore, the Applicant argues that the cited reference Kojima et al fail to teach a three dimensional icon which represents the amount of data stored of the object. The examiner respectfully disagrees with this argument since Kojima et al clearly

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teach that the amount data stored in the object of his system represented in a three dimensional icon at col.7, lines 46-51.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

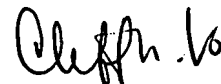
(703) 305-9724 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cliff N. Vo whose telephone number is (703) 305-9594. He can normally be reached Monday-Friday and alternate Monday from 8:00am-5:30pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798. The fax phone number for this Group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Cliff N. Vo
Primary Examiner
December 12, 2000